

Assembly Bill No. 1948

Passed the Assembly May 8, 2014

Chief Clerk of the Assembly

Passed the Senate August 14, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 13.5 of the Elections Code, and to amend Sections 27000.6 and 27000.7 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1948, Mullin. Counties: officers: qualification for office.

Existing law prohibits a person from being considered a legally qualified candidate for the offices of county auditor, county district attorney, county sheriff, county superintendent of schools, judge of the superior court, county treasurer, county tax collector, or county treasurer-tax collector, unless the person has filed a declaration of candidacy, nomination paper, or statement of write-in candidacy, accompanied by documentation, as specified, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established by specified provisions for service in that office. Existing law applies these requirements to the office of county treasurer, county tax collector, and county treasurer-tax collector, and requires, where the board of supervisors has adopted a certain ordinance, that a person meet at least one of 5 specified criteria to be eligible for those offices.

This bill, for elections or appointments on or after January 1, 2015, would extend these provisions to the offices of consolidated director of finance, the director of finance, and any office consolidated with the office of treasurer or tax collector of any county. By imposing new duties on local election officials and expanding the crime of perjury, this bill would create a state-mandated local program. The bill would eliminate the condition, for the application of the requirement that at least one of 5 specified criteria be met, with respect to the offices subject to that requirement, that the board of supervisors adopt a certain ordinance.

The bill would revise one of the specified criteria, and would change the applicability date from January 1, 1998, to January 1, 2015.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 13.5 of the Elections Code is amended to read:

13.5. (a) (1) Notwithstanding subdivision (a) of Section 13, no person shall be considered a legally qualified candidate for any of the offices set forth in subdivision (b) unless that person has filed a declaration of candidacy, nomination papers, or statement of write-in candidacy, accompanied by documentation, including, but not necessarily limited to, certificates, declarations under penalty of perjury, diplomas, or official correspondence, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established for service in that office by the provision referenced in subdivision (b).

(2) The provision of “documentation,” for purposes of compliance with the requirements of paragraph (1), may include the submission of either an original, as defined in Section 255 of the Evidence Code, or a duplicate, as defined in Section 260 of the Evidence Code.

(b) This section shall be applicable to the following offices and qualifications therefor:

(1) For the office of county auditor, the qualifications set forth in Sections 26945 and 26946 of the Government Code.

(2) For the office of county district attorney, the qualifications set forth in Sections 24001 and 24002 of the Government Code.

(3) For the office of county sheriff, the qualifications set forth in Section 24004.3 of the Government Code.

(4) For the office of county superintendent of schools, the qualifications set forth in Sections 1205 to 1208, inclusive, of the Education Code.

(5) For the office of judge of the superior court, the qualifications set forth in Section 15 of Article VI of the California Constitution.

(6) For the office of county treasurer, county tax collector, county treasurer-tax collector, consolidated director of finance, director of finance, or any office consolidated with the office of treasurer or tax collector of any county, the qualifications set forth in Section 27000.7 of the Government Code.

SEC. 2. Section 27000.6 of the Government Code is amended to read:

27000.6. The provisions of Sections 27000.8 and 27000.9 shall become effective only in those counties in which, prior to the first date of the period for filing declarations of candidacy for the office of county treasurer, county tax collector, or county treasurer-tax collector, the board of supervisors by majority vote at a regular meeting with all members present, enact an ordinance adopting the provisions of those sections. That ordinance may be repealed by the board of supervisors at any time.

SEC. 3. Section 27000.7 of the Government Code is amended to read:

27000.7. (a) No person shall be eligible for election or appointment to the office of county treasurer, county tax collector, county treasurer-tax collector, consolidated director of finance, director of finance, or any office consolidated with the office of treasurer or tax collector of any county unless that person meets at least one of the following criteria:

(1) The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices.

(2) The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field,

with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(3) The person possesses a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with Section 5000) of Division 3 of the Business and Professions Code, showing that person to be, and a permit authorizing that person to practice as, a certified public accountant.

(4) The person possesses a valid charter issued by the Institute of Chartered Financial Analysts showing the person to be designated a Chartered Financial Analyst, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(5) The person possesses a valid certificate issued by the Association for Financial Professionals showing the person to be designated a Certified Treasury Professional, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(b) This section shall only apply to any person duly elected or appointed as a county treasurer, county tax collector, county treasurer-tax collector, consolidated director of finance, director of finance, or any office consolidated with the office of treasurer or tax collector, on or after January 1, 2015.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2014

Governor